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Attorneys for Defendants  
4XEM CORPORATION, INC. and JOHN  
FORTIER

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

VIVOTEK USA, INC., a California  
corporation,

Plaintiff,

v.

4XEM CORPORATION, INC.,  
incorporated under the laws of Canada; and  
JOHN FORTIER, an individual, doing  
business as 4XEM USA,

Defendants.

CASE NO. CV 13-04452 PSG

**NOTICE OF CONDITIONAL  
SETTLEMENT AND ~~PROPOSED~~ ORDER**

In the event the conditions of the Settlement and Release Agreement are not met, the parties have stipulated that Plaintiff shall be entitled to Judgment in a certain amount, less any installment payments made by Defendants. To that end, Defendants have executed a [PROPOSED] STIPULATED JUDGMENT which Plaintiff will submit to this Court only if the conditions of the Settlement and Release Agreement are not met.

The parties further stipulate and agree that based on the foregoing, and subject to this Court's approval, the Pretrial Conference set for November 4, 2014 at 10:00 AM, as well as the trial set for November 17, 2014, are no longer necessary. In the interest of the Court's and the parties' economy, it is therefore respectfully requested that these hearings be vacated.

STRUCTURE LAW GROUP, LLP

By: /s/  
Mark R. Figueiredo, Esq.  
Attorneys for Plaintiff  
VIVOTEK USA, INC.

RIMON, P.C.

By: /s/  
Richard Mooney, Esq.  
Attorneys for Defendants  
4XEM CORPORATION, INC. and JOHN  
FORTIER

**SIGNATURE CERTIFICATION**

Pursuant to Local Rule 5-1(i)(3), I certify that the content of this document is acceptable to Richard Mooney of RIMON, P.C., counsel for Defendants 4XEM CORPORATION, INC. and JOHN FORTIER, and that I have obtained Mr. Mooney's authorization to affix an electronic signature to this document.

Dated: October 3, 2014

STRUCTURE LAW GROUP, LLP

By: /s/ \_\_\_\_\_  
Mark R. Figueiredo, Esq.  
Attorneys for Plaintiff  
VIVOTEK USA, INC.

**ORDER**

Based on the foregoing Stipulation and good cause appearing:

(1) The Pretrial Conference currently scheduled for November 4, 2014 at 10:30 AM, as well as the trial date are hereby VACATED; and

(2) Provided all conditions of the conditional settlement are met, the parties shall file a dismissal with prejudice of this action in its entirety not later than 45 days after the final payment is made by Defendants. If the conditions of the conditional settlement are not met, Plaintiff VIVOTEK USA, INC. shall be entitled to submit to the Court for its consideration the parties' [PROPOSED] STIPULATED JUDGMENT.

IT IS SO ORDERED.

Dated: November 3, 2014

  
MAGISTRATE JUDGE PAUL S. GREWAL